

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION No.: 03 CV 12573 EFH**

BERNADINE T. GRIFFITH  
Plaintiff

vs.

ONEBEACON INSURANCE COMPANY,  
ONEBEACON AMERICA INSURANCE  
COMPANY, MICHAEL A. SISTO, and  
KAREN ALLEN HOLMES  
Defendants

FILED  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
FEB 28 2005

**OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE  
TO EXTEND THE DEPOSITION OF PLAINTIFF**

NOW COMES the Plaintiff, Bernadine T. Griffith, who opposes the Defendants' Motion For Leave To Extend The Deposition Of Plaintiff Bernadine T. Griffith on the grounds that the Defendants have failed to provide a governing rule or law to warrant an additional seven (7) hours for the taking of the Plaintiff's deposition; the Defendants have failed to show good cause to justify the additional time for the taking of the Plaintiff's deposition; the Defendants proposal of an unfettered additional seven (7) hours of taking a deposition constitutes harassment and is prejudicial to the Plaintiff; the time to complete factual discovery runs on March 1, 2005, a deadline date previously extended in November of 2004; the Plaintiff filed a verified complaint in December of 2003, but the Defendants neglected to commence discovery until December of 2004; the costs of taking, once again, the Plaintiff's deposition will cause Plaintiff to incur a financial hardship; the Defendants may use other discovery tools, such as Request for Admission to lock in additional facts culled from the deposition

transcripts of William Queenan, Thomas Ford, Monica Scanlon, Karen Holmes, and Michael Sisto, the Plaintiffs answers to interrogatories, and documents produced by the Plaintiff and the Massachusetts Commission of Discrimination; the agreed to taking of a seven (7) hour deposition on two (2) days from 11:00AM to 3:00PM with an half hour break for lunch, did not cause the taker of Plaintiff's deposition to repeat questions; the Defendants deliberately presented a repetitious line of questioning as a technique to attempt to elicit inconsistent testimony and improperly presented a repetitious line of questioning under the guise of alleged "confusion" and many times over failed to "understand" Plaintiff (repeatedly questioning Plaintiff how and why she could be offended by the "tar baby comment," how and why Plaintiff claims to be "black," and improperly characterized Plaintiff as "light skinned"); additional time granted Defendants to present a repetitious line of questioning is abusive and offensive to the rules of civil procedure; moreover, this Honorable Court should decline to consider this discovery motion because it **is not** accompanied by a certification, as required by LR 7.1 (a)(2) and LR 37.1 (b).

WHEREFORE, the Plaintiff respectfully requests the Honorable Court decline to consider the Defendants' Motion For Leave To Extend The Deposition Of Plaintiff, and issue an order barring the Defendants from further taking the Plaintiff's deposition.

Respectfully submitted,  
 BERNADINE T. GRIFFITH  
 By her Attorney,

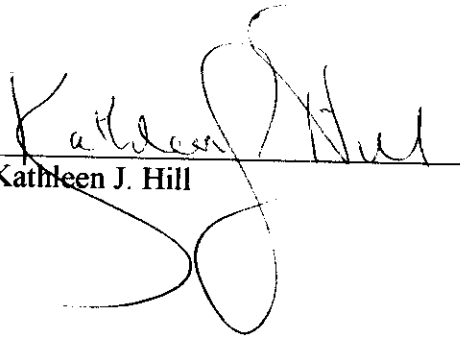
Date: 2/28/05

  
 Kathleen J. Hill BBO# 644665  
 LAW OFFICE OF KATHLEEN J. HILL

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CERTIFICATE OF SERVICE

I, Kathleen J. Hill, certify that I served a true and accurate copy of the foregoing Plaintiff's Opposition to Defendants' Motion For Leave To Extend The Deposition of Plaintiff on the counsel of record: *Keith B. Muntyan and Leah M. Moore*, of Morgan, Brown & Joy, Two Hundred State Street, 11<sup>th</sup> Floor, Boston, Massachusetts 02109 by pre-paid U.S. Mail and facsimile on this 28<sup>th</sup> day of February 2005.

  
Kathleen J. Hill